

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19748 of 2021

Pradeep Kumar S/o Jagdish Sah, R/o Village and Post - Rajpur, P.S. Rajpur,
District - Rohtas, Bihar - 802219.

... .. Petitioner/s

Versus

1. Bihar State Financial Corporation through its Managing Director, Fraser Road, Patna.
2. The Managing Director, Bihar State Financial Corporation, Fraser Road, Patna.
3. The Deputy Manager, Bihar State Financial Corporation, Fraser Road, Patna.
4. The Branch Manager, Bihar State Financial Corporation, Shahabad Branch, 1st Floor, G.C. House, Maharaja Hata, Ara, Bihar - 802301.
5. The Consultant Branch In-charge Bihar State Financial Corporation, Shahabad Branch, 1st Floor, G.C. House, Maharaja Hata, Ara, Bihar - 802301.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Puneet Siddhartha, Advocate Mr. Aryan Sinha
For the Respondent/s	:	Mr. Nikhil Kumar Agrawal, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 02-02-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-



(A) A writ in the nature of Certiorari or any other appropriate writ/s, order/s direction/s quashing the following:

(i) Demand Letter dated 18.05.2016 issued by the Respondent No. 5 by way of which the Bihar State Finance Corporation has demanded Rs.522153.50/- (Rupees Five Lakh Twenty-Two Thousand One Hundred Fifty-Three and Fifty Paise Only) from the Petitioner.

(B) A writ in the nature of mandamus or any other appropriate writ/s, order/s direction/s for the following reliefs:

- (i) To restrain the Respondent Authorities, from giving effect to the Demand Letter dated 18.05.2016 issued by the Respondent No. 5 till disposal of the instant Writ Petition.
- (ii) To direct the Respondent Authorities to abstain from any re-auction in relation to the property purchased through auction by the Petitioner during the pendency of this case.
- (iii) To direct the Respondent Authorities to issue No Dues Certificate and release Documents of Petitioner.



(iv) To direct the Respondent Authorities to bring on record the basis on which the Respondent Authorities reached to the conclusion that the Petitioner is liable to pay Rs.5,22,153.50/- (Rupees Five Lakh Twenty-Two Thousand One Hundred Fifty-Three and Fifty Paise Only) to the Bihar State Financial Corporation.

(C) To any other relief/s to which the petitioner is found entitled to.

Learned counsel for the petitioner states that save and except for a sum of ₹16000/-, the entire amount stood deposited/repaid by the petitioner way back in the year 1995 itself. It is only for the first time that in the year 2011 the respondent raised an issue of non-payment of an amount which was less than ₹16000/-.

Learned counsel for the petitioner states that petitioner has been approaching the respondents for issuance of No Dues Certificate and is also ready and willing to settle the matter with the respondent by paying the amount as was due in the year 1995.

Shri Nikhil Agrawal, learned counsel for the respondent states that if the petitioner approaches Respondent



No. 4, namely the Branch Manager Bihar State Financial Corporation, Shahabad Branch, 1st Floor, G.C. House, Maharaja Hata, Ara, Bihar- 802301 within a period of two weeks from today, the said respondent shall consider the application accounting for all the factors as averred in the present petition and a decision, which is just, fair and reasonable, shall be taken expeditiously and preferably within a period of four weeks thereafter.

Let the petitioner approach Respondent No. 4, namely the Branch Manager Bihar State Financial Corporation, Shahabad Branch, 1st Floor, G.C. House, Maharaja Hata, Ara, Bihar- 802301 on 16th of February, 2022 by giving a concrete proposal for settlement of the matter. The said respondent shall take appropriate action in accordance with law expeditiously and preferably within a period of four weeks thereafter.

Needless to add, the respondent shall consider the petitioner's request for waiver of the interest, more so in terms of the guidelines issued by the R.B.I. and on the basis of parity as also the fact that allegedly the petitioner was not communicated of any outstanding amount from the year 1995 onwards.

Till such time the decision is taken, no coercive steps



be taken against the petitioner.

Liberty reserved to the parties to take appropriate action accordance with law, should the need so arise, including filing a fresh petition before this Court.

We clarify that we have not expressed any opinion on the merits of the matter and all issues are left open.

The instant petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

P.K.P./Amrendra

AFR/NAFR	
CAV DATE	
Uploading Date	03.02.2021
Transmission Date	

